

### **REMARKS**

In the specification, the new paragraphs added at page 3 describe new figures 5 and 6. The paragraph beginning at page 7, line 8, has been amended to point out that the laser slabs referred to are shown in figures 5 and 6. No new matter has been added.

In new FIGS. 5 and 6, the previously-described laser slabs having semicircular and parabolic cross-sections have been shown.

Claims 1-6, 8, 17, and 26-35 remain in this application. Claim 7 has been cancelled. Claims 9-16 have been withdrawn. Claims 18-25 were withdrawn as the result of an earlier restriction requirement. Claims 32-35 are new.

### **Rejections Under 35 U.S.C. § 112**

Claims 5-7, 17, and 27 were rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Office Action states that the term “about” is a relative term that renders the claims indefinite. The Applicant respectfully submits that the use of the term “about” does not automatically render the subject claims indefinite. MPEP § 2173.05(b). The term “about” as used in the claims and detailed description of the present application is understandable to one of ordinary skill in the art. The Office Action does not indicate what it is that renders the language unclear in the uses presented, and thus the Applicant respectfully submits that the rejection is improper.

Claims 29 and 30 were rejected as having insufficient antecedent basis for the recitation of “said side walls,” and also for claiming features not shown in the drawings. Claim 26 has been amended to provide the required antecedent basis, and FIGS. 5 and 6 have been added to show the claimed features. Claims 29 and 30 are believed to be in condition for allowance.

### **Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application serial number 09/752,848 to Honea et al., filed December 29, 2000. As explained in the concurrently submitted declaration of Chandler J. Kennedy, the named inventor of the present invention, the subject matter of claims 1 and 4 was conceived of by Mr. Kennedy at least 18 months prior to December 29, 2000, followed by diligence in developing the invention from a time prior to December 29, 2000 until the filing date of the present application. Thus, the Applicant submits that the Honea application is not prior art to the presented claims under 35 U.S.C. § 102(e) and claims 1 and 4 are believed to be in condition for allowance.

Claims 1, 2, 3, 5, 26, and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application serial number 09/782,788 to Vetrovec, filed February 13, 2001. The enclosed declaration of Chandler J. Kennedy shows that Mr. Kennedy conceived of the subject matter of the present claims at least 20 months before the filing date of the Vetrovec application and diligently worked on the present invention from a time prior to February 13, 2001 to the filing date of the present application. Thus, the Applicant submits that the Vetrovec application is not prior art to the presented claims under 35 U.S.C. § 102(e) and claims 1, 2, 3, 5, 26, and 28 are believed to be in condition for allowance.

Claims 26, 27, 29, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,936,984 to Meissner et al. Claim 26 has been amended to claim a laser slab structured such that light energy entering a bottom surface of a nonionic layer results in internal reflection of energy emitted from an ionic layer with a resulting output beam emitted from an end surface. No such structure is believed to be shown in the Meissner patent and thus claim 26 is believed to be in condition for allowance. Claims 27, 29, and 30 are further believed to be in condition for allowance for at least the reason that they depend from an allowable claim.

Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Vetrovec application in view of U.S. Patent No. 6,014,393 to Fulbert et al. As described above, the Applicant submits that the Vetrovec application is not prior art to the present invention,

including subject matter claimed in claims 6 and 17. The rejection under 35 U.S.C. § 103(a) relying on the Vetovec application and the Fulbert patent is thus believed to be overcome and claims 6 and 17 are believed to be in condition for allowance.

Claims 8 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Vetovec application in view of U.S. Patent No. 5,084,889 to Tajima. Because the Vetovec application is not prior art to the present invention, including subject matter claimed in claims 8 and 31, the rejection of these claims under 35 U.S.C. § 103(a) is believed to be overcome and claims 8 and 31 are believed to be in condition for allowance.

The Examiner has acknowledged that claim 7 is directed to allowable subject matter if rewritten to overcome the rejection under 35 U.S.C. § 112 ¶ 2 and to incorporate the subject matter of claim 1, its base claim. As described above, the Applicant respectfully submits that claim 7 is not indefinite under 35 U.S.C. § 112 ¶ 2. Claim 7 has been rewritten as independent claim 32 to incorporate the subject matter of claim 1 and is believed to be in condition for allowance.

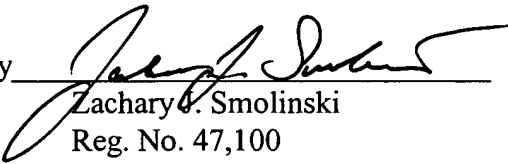
Newly added claims 33 and 34 depend, respectively, from claims 1 and 17 and newly added claim 35 is independent. These claims are directed to embodiments of the present invention in which energy emitted from an ionic layer within a laser device is reflected off top and bottom surfaces of the device and emitted through end surfaces.

In view of the Examiner's restriction requirement, the Applicant retains the right to present claims 9-16 and 18-25 in a divisional application.

Appl. No. 09/876,324  
Amdt. dated April 18, 2003  
Reply to Office Action of November 20, 2002

A check is enclosed for \$ 410.00 to cover the fee for a two-month extension of time for response to the Office Action. The Commissioner is authorized to deduct any additional fees required (except for payment of the issue fee) from or to credit any overpayment to Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47080-00033.

Respectfully submitted,

By   
Zachary C. Smolinski  
Reg. No. 47,100  
Jenkins & Gilchrist, P.C.  
225 West Washington Street, Suite 2600  
Chicago, IL 60606-3418  
Attorneys for Applicant  
(312) 425-3900